

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JENNIE STYLES,

Case No. 2:18-cv-00052-RFB-PAL

Plaintiff,

ORDER

V.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY,

Defendant.

12 The court conducted a scheduling conference on May 14, 2018, regarding the parties' 13 Stipulated Discovery Plan and Scheduling Order (ECF No. 13) which requests special scheduling 14 review. Jonathan Roberts appeared on behalf of plaintiff, and Renee Maxfield appeared on behalf 15 of defendant. This is a breach of contract and bad faith action arising out of a 3 vehicle automobile 16 accident on May 9, 2016. Plaintiff settled with one of the adverse drivers for policy limits and 17 made a \$50,000 policy limits demand for UIM benefits from her own carrier. Policy limits were 18 not tendered and this lawsuit was filed in state court and removed (ECF No 1) on January 10, 2018. 19 The parties' proposed discovery plan and scheduling order requests twice the amount of time 20 deemed presumptively reasonable by LR 26-1 to complete discovery.

21 Defendant filed a motion to dismiss the bad faith claim asserting this case involves a
22 valuation dispute, not bad faith. Counsel have agreed to bifurcate discovery of the bad faith claim,
23 but agree most of the breach of contract discovery and bad faith discovery overlaps. Bad faith
24 discovery will primarily involve “policies and procedures” type discovery and designating bad
25 faith experts.

26 A modest amount is at issue unless the district judge permits the bad faith claim to proceed.
27 Substantial information about plaintiff's claims and damages has already been exchanged in the
28 claims process. Under these circumstances the court will not grant the parties' request for a year

1 to complete discovery. As the parties have yet to initiate discovery the court will enter a 270-day
2 plan measured from the date the Motion to Dismiss (ECF No. 6) was filed. Neither side wants to
3 designate a bad faith expert until after decision of the motion to dismiss. The court will therefore
4 grant the parties' request to bifurcate discovery of the bad faith claim with the expectation that the
5 bulk off the discovery will be completed during the breach of contract phase of this case. The court
6 will give the parties 60 days from decision on the motion to dismiss to complete bad faith discovery
7 in the event the claim survives.

8 Having reviewed and considered the matter and the arguments of counsel,

9 **IT IS ORDERED** that:

- 10 1. The parties proposed Discovery Plan and Scheduling Order (ECF No. 13) is **DENIED**,
11 and the following discovery plan and scheduling order dates shall apply:
 - 12 a. Last date to complete discovery: **October 15, 2018**
 - 13 b. Last date to amend pleadings and add parties: **July 16, 2018**
 - 14 c. Last date to file interim status report: **August 15, 2018**
 - 15 d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **August 15, 2018**
 - 16 e. Last date to disclose rebuttal experts: **September 14, 2018**
 - 17 f. Last date to file dispositive motions: **November 14, 2018**
 - 18 g. Last date to file joint pretrial order: **December 14, 2018**. In the event dispositive
19 motions are filed, the date for filing the joint pretrial order shall be suspended until 30
20 days after a decision of the dispositive motions.
- 21 2. The parties will have **60 days from decision of the pending motion to dismiss to
22 complete discovery on the bad faith claim if the claim survives**.
 - 23 a. **In which case the deadline for filing dispositive motions will be extended
24 90 days from decision of the pending motion to dismiss; and**
 - 25 b. **The deadline for filing the joint pretrial order will be extended 120 days
26 beyond the decision of the pending motion to dismiss.**
- 27 3. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall
28 be included in the pretrial order.

6 DATED this 18th day of May, 2018.

Peggy A. Teer
PEGGY A. TEER
UNITED STATES MAGISTRATE JUDGE